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GOVERNMENT OF GOA

Department of Revenue

Notification

16/7/2008-RD(Part-III)

The Government of Goa is hereby pleased to frame the following policy for regulating the mining dumps encroached upon Government and Private Lands and related issues, as under:—

Policy for regulating the mining dumps on Government and Private Lands, and related issues

A. Introduction.— The mining rejects in Goa has become a matter of great concern. A huge chunk of land is unauthorizedly covered by these mining dumps, and these dumps, either on government or private land, are violating the provisions of Land Revenue Code with regards to conversion of land use, and the land is being used for non-agricultural purposes without permission of the prescribed authorities under the said Code. The stacking of these dumps on Government land is also causing loss of revenue to the State Government as the land is being used unauthorizedly for the said purpose and no rent/fees/penalty is paid by the mining

industry. Along with these mining dumps, other related and allied issues viz. storage of mining material on plots, construction of jetties and storing of such mining related material including ore, on these jetties and other mining related activities are observed to be undertaken in violation of the existing provisions of law as envisaged in various legislations.

The Land Revenue Code (Amendment) Act, 2013, vide amendment to Section 33 of the Code has empowered the Government to impose a fine in cases where the land has been used for dumping mining rejects or like material without permission. The amendment states as under:

“(1A) Where the land has been used for dumping mining rejects or like material without permission, the Government may impose such fine as may be prescribed”.

In view of above, one time policy is formulated for dealing with the issue of mining dumps and other related issues.

B. Scope of the Policy.— (1) The provisions of this policy shall be applicable to the land used for dumping of mining rejects or like material and for all other activities as provided under sub-section (2) of section 36 of Land Revenue Code, 1968 on the land not covered under the land leased for mining activities

irrespective of present and proposed classification/zoning.

(2) The policy provides for the levy of charges for unauthorisedly using the Government and private land for non-agricultural use.

(3) This policy also provides for the procedure to levy these charges etc., and for restoration of land to its original use.

C. Levy of Charges.— Conversion fees shall be collected on the area occupied by mining dumps based on the fees structure and fines to be imposed as mentioned below and as per procedure to be prescribed.

(1) The conversion fees imposed shall be of 'Industrial' category as referred under section 32 of Land Revenue Code, 1968.

(2) The charges so imposed shall be on the entire plot, and not for the specific area of the plot where the dump is stacked. For this purpose the entire property surveyed under a particular survey number shall be considered as the plot area.

(3) As it is difficult to ascertain the period since when the dumps are stacked, it has been decided to presume that the period is 20 years and in addition to the conversion fees, a fine of 20% of the conversion fee at the prevalent rates shall be imposed.

(4) The 20 years time period of the unauthorized use of land shall be considered till 31st March, 2013.

(5) For Government land, the said land shall be required to be restored to its original use within a period of five years from 31st March, 2013 or the date of expiry of the lease period of the land leased for mining to the operator, whichever is earlier, failing which Government may take steps as deemed fit in this regard. The Government may, on a case to case basis, on an application so filed, in the prescribed format, extend this period beyond five years,

at a rate so specified, but not beyond the date of expiry of the lease period of the land leased for mining to the operator.

(6) From 1st April, 2013 till the Government land is restored to its original use, a rent of Rs. 10/- per square meter of the area covered under the mining dumps, shall be payable annually to the Government, in addition to an annual rent of Rs. 5/- per sq. meter payable for the past usage. This will be in addition to the above referred conversion charges and fine, as payable.

(7) For the purpose of calculation of the levy of charges pertaining to Government land the following method of calculation will be followed:

e.g. for a plot in village category and of more than 2000 sq. meters.

(i) Conversion fees = Rs. 50/- x 2 = Rs. 100/- per sq. meter.

(ii) Unauthorized use of Government land for the past 20 years = Rs. 5/- x 20 = Rs. 100/- per sq. meter.

(iii) Unauthorized use of Government land for 5 years beginning from 1st Apr., 2013 = Rs. 10/- x 5 = Rs. 50/- per sq. meter.

(iv) Fine of 20% of the Conversion fees: Rs. 100 x 20% = Rs. 20/- per sq. meter.

8. Similar calculation will be done for land in any other category as mentioned under Section 32 of Land Revenue Code (Amendment) Act, 2013.

9. For levy of charges pertaining to private land, it shall be calculated as under:—

e.g. for a plot in village category and of more than 2000 sq. meters:

(i) Conversion fees = Rs. 50/- x 2 = Rs. 100/- per sq. meter.

(ii) Fine of 20% of the Conversion fees: Rs. 100 x 20% = Rs. 20/- per sq. meter.

10. The application to be filed by the mining operator/any other interested person/applicant will be on self assessment basis and an acknowledgement-cum-provisional certificate of conversion in the prescribed format shall be issued on the basis of this self declaration by the applicant. The applicant shall be solely responsible for the correctness of the data in the application and its annexure.

D. Procedure for issuing of Certificate.— (1) Following the notification of the policy an application for conversion, in the prescribed form shall be filed within 30 days of the notification of the policy before the Collector or a designated officer, as notified by the Government under this policy.

(2) The period as mentioned above may be extendable by Government for a further period of 30 days, on request, on a case to case basis.

(3) Such applications shall be accompanied with all the charges as payable under this policy.

(4) Upon receipt of application, complete in all respects, with the amount as calculated based on the provisions of this policy, the Collector/designated officer shall issue an acknowledgment-cum-provisional certificate in the prescribed form within a period of 15 days of receipt of the application. The said certificate shall be valid for a maximum period of nine months.

(5) In case of any discrepancy or dispute with respect to a part or portion of the area of land for which regularization is sought, the said certificate in the prescribed format for the undisputed area of the land shall be granted.

6. Upon payment of fees and other charges as mentioned in this policy, and on receiving of the application with all relevant annexure, the Collector/designated officer shall conduct an inquiry and issue sanad in the prescribed format within nine months of the date of application. If the sanad is not issued on the expiry on nine months from the date of receipt

of application, it will be deemed to have been granted if all formalities for the same have been completed by the applicant.

(7) The sanad so issued shall be valid only for the purpose of land conversion under the Land Revenue Code, 1968, under this policy.

(8) Any area for which no application has been received under this policy shall be dealt under the provisions of Land Revenue Code, and shall be presumed to be an abandoned area and the dumps, machinery etc., stacked or dumped on the said land shall be confiscated and auctioned by the Government, as deemed fit.

E. Ban on new encroachments.— No new encroachments of any kind by way of dumping mining material shall be permitted and the respective Mamlatdars and Police Inspector with the Inspector of Land Survey shall monitor the same and shall be personally responsible for initiating necessary prompt actions.

(F) Collection of charges under the policy.— (1) Any discrepancy observed in the self assessment of the total levy of charges shall be paid by the applicant within 30 days from the intimation received from the designated officer/Collector, along with interest of 15% over the total sum payable since the date of application till the final payment is made.

(2) All the collections of payments shall be through deposits by way of Government Treasury challans or demand draft or pay order only.

(3) The charges so levied for Government land shall be for a period as specified in clause 5 of section C of the policy and the plot of land shall have to be restored to its original use by the applicant.

(4) The applicant is required to make advance payments of all the charges, as mentioned hereinabove, including the charges for rent for future use of Government land, for such period as intended to be used by the applicant.

(5) If the applicant fails to remove the dumps on Government land within the specified period, Government shall be at liberty to take all appropriate actions as deemed fit, including confiscation of the mining dumps and other allied activities, materials, equipments etc. The revenue so generated on its disposal shall be deposited in the Government treasury.

G. *Interest on delayed payments.*— If the amount so mentioned above are not paid within 30 days of raising of the demand, an further interest of 15% per annum over the entire payment due shall be levied.

H. *No bestowal of any rights on Government land.*— (1) The sanad shall be purely on temporary basis and shall not bestow any right of any nature upon the mining operator or applicant over the said land.

(2) This policy will not bestow any other rights on the mines, mining activity, dumps or

the land on which the dump exists and they will continue to be governed by the existing laws, rules, regulations, court orders etc.

I. *Removal of Difficulty.*— (1) The Government reserves the right to accept or reject any application.

(2) The above charges of levy etc., shall be reviewed by the Government from time to time.

(3) The Government shall not be responsible for any dispute between mine operator/ applicant, the land owner or any other party, and the applicant shall indemnify the Government to that extent.

By order and on the name of the Governor of Goa.

Ashutosh Apte, Under Secretary
(Revenue-I).

Porvorim, 3rd September, 2013.

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